



CITY OF ATLANTA

Kasim Reed
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Bureau of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-42 for 1965 and 1989 Cheshire Bridge Road

DATE: November 14, 2013

An ordinance by Councilmember Alex Wan to rezone property having a street address of 1965 and 1989 Cheshire Bridge Road from the NC-5 (Cheshire Bridge Road South Neighborhood Commercial) and the R-3 (Single-family Residential) zoning districts to the NC-5-C (Cheshire Bridge Road South Neighborhood Commercial) zoning district.

FINDINGS OF FACT:

- property location: the subject properties are located on the east side of Cheshire Bridge Road between Wellbourne Drive and Faulkner Road in the Morningside/Lenox Park Neighborhood of NPU-F, Council District 6. They are located in land lots 4 and 50 of the 17th District, Fulton County, Georgia.
- property size and physical features: The combined properties are approximately 9.43 acres. Both properties are relatively flat in the front and slope downward towards the rear.
 - The 1965 property is developed with three one-story warehouse maintenance facilities and surface parking for Georgia Department of Transportation. A portion of rear of the lot is wooded.
 - The 1989 property is developed with one-story building containing Alfredo's Italian restaurant and accessory surface parking in the front.
- CDP land use map designation: The current land use designations are Low Density Commercial (LDC) in the front portion and Single-family Residential (SFR) in the rear portion of the properties. A CDP land use designation is required to change the residential land use designation to LDC for the properties.

- current/past use of property: The 1965 property has been maintenance facility for the Georgia Department of Transportation and the 1989 property has been used for a restaurant.
- surrounding zoning/land uses: Surrounding zoning and land uses along the Cheshire Bridge Road are commercial NC-5 zoning district and include restaurants, bars, retail, roofing repair, Cheshire Point Shopping strip center, doggie daycare facility, and the Cheshire Motor Inn motel. Adjacent properties to the rear are zoned Multi-family Residential RG-2 and single-family R-3 and contain residential uses and wooded undeveloped land.
- transportation: Cheshire Bridge Road is classified as an arterial road. MARTA bus services runs along Cheshire Bridge Road, Piedmont Avenue and Lindbergh Drive/LaVista Road and Woodland Avenue. Access to Interstate I-85 is within a five minute drive of the subject property.

PROPOSAL:

The proposed legislation would rezone the properties 1965 and 1989 Cheshire Bridge Road from the NC-5 (Cheshire Bridge Road South Neighborhood Commercial) district and the rear portion of the properties currently zoned R-3 (Single-family Residential) to the NC-5-C (Cheshire Bridge Road South Neighborhood Commercial) zoning district. The legislation would be conditional, requiring a 75 foot vegetative buffer measured from the rear property lines of both properties to provide protection to the adjacent residential neighborhood and preserve the existing tree canopy.

CONCLUSIONS:

- 1) **Compatibility with comprehensive development plan (CDP); timing of development**: The proposed rezoning would require a CDP land use change for the rear portion of the property currently zoned R-3 single-family; however, the rezoning would not affect the timing of development for any proposed projects since no specific development projects are contemplated.
- 2) **Availability of and effect on public facilities and services; referrals to other agencies**: Since no development projects are being proposed as part of the rezoning, these considerations are not applicable.
- 3) **Availability of other appropriate land zoned for proposed use; effect on balance of land uses with regard to the public need**: Since no development projects are being proposed as part of the rezoning, these considerations are not applicable. The front portion of the properties zoned commercial is of such a limited size that it discourages redevelopment of the land. Expanding the commercial zoning designation to the rest of the properties would encourage their redevelopment, in keeping with the recommendations of the Cheshire Bridge Road Study, adopted by the Atlanta City Council in 1999. The Study recommended mixed-use development.
- 4) **Effect on character of the neighborhood**: Since no development projects are being proposed as part of the rezoning, this consideration is not applicable. However, the Georgia Department of Transportation has indicated the intent to sell the property, and the rezoning would enable the redevelopment of the property with uses that are more compatible with the corridor and enhance the character of the neighborhood.

- 5) **Suitability of proposed land use:** The change in land use designation to Low Density Commercial (LDC) to permit the rezoning is appropriate as it would enable the redevelopment of the land into appropriate commercial and residential uses.
- 6) **Effect on adjacent property:** The rezoning of the properties would have a positive impact on adjacent properties as they would encourage the redevelopment of the properties with uses that are more compatible with the character of the neighborhood. Furthermore, the zoning condition to require a minimum 75 foot vegetative buffer from the rear property line serves to protect the residential neighborhood to the rear and preserve the existing tree canopy on the property.
- 7) **Economic use of current zoning:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable. However, the rezoning of the residential portion of the property to NC-5 would enable the redevelopment of the properties that are currently otherwise hindered due to the limited size of the commercial zoned portion.
- 8) **Compatibility with policies related to tree preservation:** Since no development projects are being proposed as part of the rezoning, these considerations are not applicable.
- 9) **Other Considerations:** The proposed legislation is in keeping with the purpose and intent of the adopted Cheshire Bridge Road Study which envisioned the transformation of Cheshire Bridge Road into a vibrant, mixed-use pedestrian-oriented corridor with residential uses located above groundfloor commercial uses. The change in the zoning and the subsequent sale of the properties by the Georgia Department of Transportation would encourage their redevelopment into uses that are more compatible with the character of the area, and still provide for protection to the adjacent residential neighborhood to the rear.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL conditioned on the following:

1. 75 foot vegetative buffer measured from the rear property lines of both properties to provide protection to the adjacent residential neighborhood and preserve the existing tree canopy.

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-38 for 523-555 Bishops Way, N.E.

DATE: November 14, 2013

The applicant seeks to rezone property from the **PD-H (Planned Development-Housing) district** to the **MR-3 (Multi-Family Residential) district** for development of five (5) detached single family dwellings.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 50 feet on the at the west end of Johnson Avenue in the Old Fourth Ward neighborhood of NPU-M, Council District 2.
- property size and physical features: The subject property of approximately 0.73 acres is developed with two (2) detached single family dwellings.
- CDP land use map designation: The subject property has a land use designation of Low Density Residential.
- current/past use of property: The property has always been used for residential purposes.
- surrounding zoning/land uses: the subject property is adjacent to Freedom Parkway on the north and by property zoned R-5 with a Low Density Residential land use on the south, east and west. North, across Freedom Parkway, Medium Density Residential land use is found with an R-5 zoning classification.
- transportation system: Johnson Avenue is a short local residential street that once ran between Randolph Street to the east and Howell Street to the west. Its current length was created by the construction of Freedom Parkway a four lane east/west collector. Randolph Street to the east is also a collector. Sidewalks are present in the area along Randolph Street.

PROPOSAL:

The subject property zoned to PD-H in 2004 with a condition on a site plan and that the FAR of the total development not exceed 0.348. Seven (7) detached homes were proposed at the time. The private drive (Bishop Way) and water and sewer infrastructure were developed and two homes constructed and sold. The property fell into foreclosure and has remained vacant but for the existing homes since 2007. The property was purchased and the new owner discovered based on the existing homes on the site that only an additional 1,875SF of heated space could be developed based on the conditions of zoning. The applicant proposes to complete the development with five (5) detached dwellings as originally proposed. However to allow the completion of the development rezoning of the property and a land use amendment are required.

The applicant proposes the construction of five (5) detached single family dwellings. The development specifications are:

- F.A.R 0.696 permitted 0.541 proposed (includes the existing dwellings)
- UOS 0.40 required 0.67 proposed
- Parking .99 space per unit required 2 spaces per unit provided

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject area of the site as Low Density Residential therefore an amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses:

The zoning regulations indicate that this consideration is optional. The type of development proposed is similar to others in the area and should not have a negative impact on the land uses in the area.

- (4) **Effect on character of the neighborhood:** The development as proposed should not have a negative effect of the character of the neighborhood. The rezoning would allow the completion of a development that lay dormant for many years and become an eyesore to the community.
- (5) **Suitability of proposed land use:** An amendment to Medium Density Residential is suitable.
- (6) **Effect on adjacent property:** The subject property is adjacent to Freedom Parkway on the north and residential uses, both multi-family and detached single family on the south and east. Therefore the effect on adjacent property should be positive with the completion of the development.
- (7) **Economic use of current zoning:** While the current zoning has little economic use the proposed development would be a better use of the land and complement existing developments in the area.
- (8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL OF A SUBSTITUTE ORDINANCE conditioned upon the following:

1. A site plan similar to one entitled "Proposed Bishop Way Rezoning" by Place Maker Design, dated 10/14/13 and stamped received by the Office of Planning, October 30, 2013. However, this condition shall not preclude application of the MR regulations.
2. Rear yards of Lots 1 through 3 shall be landscaped to shield view of Freedom Parkway.
3. The privacy fence along the south, east and west property lines shall be replaced.
4. The development shall not be gated.

c: James Shelby, Commissioner, DPC



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JAMES SHELBY
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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-34 for 1102 Woodland Avenue, S.E.

DATE: November 14, 2013

The applicant seeks to rezone property from the **R-4 (Single Family Residential) district** to the **R-4A (Single Family Residential) district** for development of one (1) new detached single family dwelling and the rehabilitation of an existing dwelling.

FINDINGS OF FACT:

- property location: The subject property fronts approximately 118 feet on the at the east side of Woodland Avenue in the Woodland Hills neighborhood of NPU-W, Council District 1.
- property size and physical features: The subject property of approximately 0.5 acres is developed with a single family dwelling that is located in the southern area of the parcel. The topography is relatively level but begins to slope up in the southeast corner of the parcel.
- CDP land use map designation: The subject property has a land use designation of Single Family Residential.
- current/past use of property: The property has always been used for residential purposes.
- surrounding zoning/land uses: The subject property is surrounded by property zoned R-4 with a land use designation of Single Family Residential. The majority of the properties are used for residential purposes.
- transportation system: Woodland Avenue is a local residential street and intersects with East Confederate Avenue, a collector, north of the subject property. All other streets in the area are local residential streets. Sidewalks are found on both sides of Woodland Avenue and MARTA bus route 32 serves the area.

PROPOSAL

The applicant proposes to rezone the property to enable application for land subdivision and eventual development of one additional dwelling. The existing lot has 118.5 feet of street frontage which is less than required to allow the subdivision of the lot under the current zoning of R-4 which requires a minimum frontage of 70 feet for each lot created. However the lot exceeds the minimum land area of 9,000 SF per lot to allow the property to be subdivided. Evidence has been provided that a majority of the lots in the area have less than the required 70 feet of street frontage and exceed the minimum land area of 9,000SF for R-4 zoned property. The rezoning does not require an amendment to the CDP as the land use of Single Family Residential is compatible with the requested R-4A zoning district.

CONCLUSIONS:

(1) Compatibility with comprehensive development plan (CDP); timing of development:

The comprehensive development plan designates the subject area of the site as Single Family Residential therefore no amendment to the 15-year land use map would be required to facilitate this proposal.

There are no public projects or programs with which the timing of the project would conflict.

(2) Availability of and effect of public facilities and services; referral to other agencies:

Since the area has been a long established neighborhood, water and sewage facilities serving the property are assumed to be adequate for the proposed development.

The capacity of the sewer system to accommodate the proposed development would be reviewed by the Department of Watershed Management after the developer would apply for a building permit. During this review, tie-in to specific sewer lines would be determined, as well as any necessary improvements to the sewer line that would lie within boundaries of the development site.

There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location.

(3) Availability of other land suitable for proposed use; environmental effect on balance of land uses: The zoning regulations indicate that this consideration is optional. The proposal would allow for an additional dwelling to be constructed once the subdivision of land has been approved this is in keeping with the development pattern in the area.

(4) Effect on character of the neighborhood: The development as proposed should not have a negative effect of the character of the neighborhood. The rezoning would allow the possible construction of one dwelling on a lot that, if subdivided is compatible to other lots in the area.

(5) Suitability of proposed land use: No amendment to the land use designation is required.

(6) Effect on adjacent property: The construction of an additional dwelling on a lot that would have a configuration compatible to others in the area should have a positive effect of adjacent property by adding to the housing opportunities in the area.

(7) **Economic use of current zoning:** While the current zoning has economic use the proposed zoning classification would be a better use of the land and complement the existing development pattern in the area.

(8) **Tree Preservation:** The City of Atlanta's Tree Ordinance will govern the development of the site in regards to tree preservation.

STAFF RECOMMENDATION: APPROVAL

c: James Shelby, Commissioner, DPC



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-35 for 2140 Peachtree Road, N.W.

DATE: November 14, 2013

An Ordinance to rezone from the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District and C-3/BL (Commercial Residential/Beltline Overlay) District to the C-3-C/BL (Commercial Residential-Conditional/Beltline Overlay) District for property located at **(a portion of) 2140 PEACHTREE ROAD, N.W.**

The applicant has requested a 30-day deferral.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-DECEMBER 2013

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-36 for 961-973 Desoto Street, N.W.

DATE: November 14, 2013

An Ordinance to rezone from the SPI-11 SA6/BL (Special Public Interest District: Vine City and Ashby Station Subarea 6/Beltline Overlay) District to SPI-11 SA8/BL (Special Public Interest District: Vine City and Ashby Station Subarea 8/Beltline Overlay) District for property located at (Single Family Residential) to the R-4A (Single Family Residential) District for property located at **961-973 DESOTO STREET, N.W.**

The applicant has requested a 30-day deferral.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-DECEMBER 2013

cc: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-13-37 for 1412 Carroll Drive, N.W.

DATE: November 14, 2013

An Ordinance to rezone from the I-2 (Heavy Industrial) District to R-4B (Single Family Residential) District for property located at **1412 CARROLL DRIVE, N.W.**

The applicant has requested a 30-day deferral.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-DECEMBER 2013

cc: James Shelby, Commissioner, DPCD



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Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-19 for 168 Luckie Street, N.W.

DATE: November 14, 2013

The applicant seeks a **Special Use Permit (SUP)** to operate a 180 foot tall Ferris Wheel and also provide accessory food and beverage vending.

FINDINGS OF FACT:

- property location: The subject property has three street frontages and is located on the east side of Centennial Olympic Park Drive between Luckie Street and Nassau Street. It is in Land Lot 78 of the 14th District, Fulton County, Georgia and within the Downtown neighborhood of NPU-M in Council District 2.
- property size and physical features: The subject property is approximately 0.365 acres (15,899 square feet) in area and is relatively flat. It contains three street frontages and a landscape strip planted with shade trees at the back of the sidewalk along Centennial Olympic Park Drive.
- CDP land use map designation: the CDP land use designation is High Density Commercial (HDC).
- current/past use of property: The property previously contained a park-for-hire parking lot until the installation of the ferris wheel which was approved May 7, 2013 through a Special Administrative Permit.
- surrounding zoning/land uses: Surrounding land uses include Centennial Olympic Park, offices, eating and drinking establishments, multi-family residential, parking lots, and the Tabernacle entertainment venue. The zoning is the Downtown SPI-1 zoning district, subarea #1 (Downtown Core).

- **transportation system:** The subject property contains three street frontages which include Centennial Olympic Park Drive, Luckie Street and Nassau Street. MARTA bus service runs along Marietta Street and Peachtree Street a few blocks away. The subject property is within walking distance of the Peachtree Center MARTA station. In addition, the Atlanta Streetcar route is adjacent to the property along Luckie Street.

PROPOSAL

The applicant seeks a Special Use Permit (SUP) to operate a 180 foot tall Ferris Wheel, a concessioner trailer for food and beverage vending, portable restrooms and two (2) hospitality tents. The Ferris Wheel includes 42 fully enclosed, climate-controlled gondolas. Each gondola can accommodate six (6) people. Each ride last approximately 12-15 minutes. Expected attendance is 1,000 to 3,000 passengers per day. Fully loaded, the Ferris Wheel accommodates 252 people. The platform allows for another 252 people in the queue line. An additional 252 people can be accommodated off the platform and down the entrance ramp. Total hourly capacity for the ride, platform and over-flow queue line can accommodate 756 people. The Ferris Wheel and ancillary operations will also be available for private parties, community organizations, corporate functions, special events, weddings, receptions, etc.

- **Ingress and egress:** No on-site parking is provided. Sidewalks abut the property along each of the street frontages and the main pedestrian entrance is located along Centennial Olympic Park Drive.
- **Parking and loading:**
 - **Parking:** The Downtown SPI-1 zoning regulations do not require any parking and none is being provided by the applicant. The surrounding area contains parking facilities available to the general public. The applicant has provided parking arrangements for employees at off-site parking facilities.
 - **Servicing and deliveries:** The food/beverage deliveries will be made either on the Luckie Street driveway or the alley off of Nassau Street. Electric/gas and mechanical maintenance vehicles will utilize the alley off of Nassau Street.
- **Refuse and service areas:** The applicant has contracted a private waste company to provide waste removal services three times a week.
- **Emergency Vehicles:** emergency vehicles will park on the adjacent streets to service the property in the event of an emergency.
- **Buffering and screening:** Adjacent properties are zoned commercial and no noise or glare screening are being provided. Fencing provided in the rear is intended to prevent access to the general public and direct patrons to the entrance on Centennial Olympic Park Drive.

- **Hours and manner of operation:**

Hours:

- Sunday through Wednesday: 10am to 10pm
- Thursday through Saturday: 10am to midnight

Staff:

- Total number of employees/employee shifts: 62 employees total, 12-15 employees working per shift
- General Manager, Assistant Manager, and Director of Marketing and Hourly employees responsible for wheel maintenance, ticketing, greeters, loaders/unload, operators, photo and porters

- **Duration:** The applicant requests a minimum duration of three (3) years for the Special Use Permit.
- **Required yards and open space:** The required yards are the sidewalk setback requirements. Due to required acquisition of a portion of the property along the Luckie Street frontage to accommodate the Atlanta Streetcar, an administrative variation was granted to allow encroachment in the sidewalk setback measured from the new street curb location. Sufficient pedestrian access along Luckie Street will be provided. The Atlanta City Council granted approval of a temporary encroachment agreement of portions of the ferris wheel to extend over the right-of-way (at a height above ground that does not impact vehicular and pedestrian movement). There are no minimum open space requirements.
- **Tree Preservation and replacement:** The applicant intends to preserve the existing trees on the property. The applicant must comply with the City of Atlanta Tree Ordinance requirements if any future renovations or new construction were to impact the existing trees. However, the improvements proposed at this time do not affect existing trees on-site.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** There are no minimum parking requirements in the Downtown SPI-1 zoning district. Public parking facilities available off-site nearby. The property is accessible by nearby MARTA bus and rail service, as well as the Atlanta Streetcar (operations in spring/summer 2014). Pedestrian access is sufficient along all street frontages. Emergency vehicles also have sufficient access to the property along all three street frontages. Luckie Street (east of Centennial Olympic Park) will be converted to two-way traffic flow upon Streetcar opening.
- b) **Off-street parking and loading:** There are no minimum parking requirements and loading appears to be sufficient.
- c) **Refuse and service areas:** As proposed by the applicant, appear to be sufficient.
- d) **Buffering and screening:** There are no minimum screening and buffering requirements.

- e) **Hours and manner of operation:** As proposed by the applicant, appear to be sufficient.
- f) **Duration:** Staff is supportive of an indefinite duration
- g) **Compatibility with policies related to tree preservation:** No conflicts are apparent. Compliance with the City of Atlanta Tree Ordinance is required.
- h) **Required yards and open space:** An administrative variation was granted to allow encroachment into the sidewalk setback (measured from the new street curb location) as a result of land acquisition that occurred along the Luckie Street frontage to accommodate the Atlanta Streetcar. Sufficient pedestrian access along Luckie Street will be provided. The Atlanta City Council granted approval of a temporary encroachment agreement of portions of the ferris wheel to extend over the right-of-way (at a height above ground that does not impact vehicular and pedestrian movement). There are no minimum open space requirements.

STAFF RECOMMENDATION: APPROVAL subject to the following conditions:

1. **Site Plan:** Approval shall be conditioned on the conceptual site plan labeled “Atlanta Skyview Wheel – Site Plan” stamped received by the Office of Planning August 27, 2013. The applicant may conduct temporary festival events/vending on private property and outside of the sidewalks subject to approval by the Atlanta Police, Fire and other City Departments as applicable.
 2. **Operator:** The special use permit shall be valid only for Atlanta Partners, LLC as the operators of the Atlanta Skyview Wheel.
- c: James Shelby, Commissioner, DPCD



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CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-20 for 3700-3802 Roswell Road, N.E. (aka 3714 Roswell Road)

DATE: November 14, 2013

The applicant seeks a Special Use Permit pursuant to Section 16-11.005 (1) (l) for outdoor dining and eating and drinking establishments when any part of such use is located within 1,000 feet of property zoned as R-1 through R5, or that is used as a residential property.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 843 feet on the northwest side of Roswell Road. It is located in the East Chastain Park of NPU B in Council District 8.
- **Property size and physical features:** The subject property with acreage of 10.082 is developed as a shopping development that contains a mixture of tenants. Vehicles may access the property from Roswell Road and Powers Ferry Road. Topography is relatively level and there are a few mature trees located around the perimeter of the site.
- **Current/past use of property:** The site was developed as a shopping center in the 1960s and has continued to operate as such. Staff is unaware of any past uses of the property.
- **Surrounding zoning/land uses:** The subject property is surrounded by a mixture of uses and zoning and is immediately adjacent to properties that are zoned the following: C-1 (Community Business) to the east, R-3 (Single Family Residential) to the west and south, and RG-5 (Residential General Sector 5) to the north.
- **Transportation system:** Roswell Road and Powers Ferry Road are collector streets that are serviced by MARTA.

PROPOSAL:

The applicant seeks a Special Use Permit for a new 4,025 square foot restaurant with outdoor dining.

- **Ingress and egress:** Ingress and egress to the subject property is provided by existing driveways located off Roswell Road and Powers Ferry Road.
- **Parking and loading:** Currently there are a total of 474 parking spaces for the entire development. Employees, visitors, service and emergency personnel will enter through the driveways located off Roswell Road and Powers Ferry road and will utilize the existing parking area. Howell Mill Road and Collier Road and will utilize the existing parking area. On-site loading/unloading will occur on the northwest side of the property and at the rear of the existing development.
- **Refuse and service areas:** The shopping center currently utilizes the City of Atlanta for the removal refuse and garbage. The applicant has proposed to continue utilizing the aforementioned method. Refuse will be picked up multiple times a week from the existing dumpsters located adjacent to the development.
- **Buffering and screening:** The site currently is being buffered along the rear and portions of the north property line by several mature trees and dense vegetation. The applicant has not proposed to alter the current methods of buffering and existing lighting. Therefore, the applicant has not proposed any additional screening.
- **Hours and manner of operation:** The applicant has indicated the hours and manner of operation will be compatible with the existing restaurants located onsite and nearby the subject property. The proposed restaurant will provide service Monday – Sunday with the following hours: Monday – Thursday from 11am – 10pm and Friday – Saturday from 11am – 2am. The applicant has not indicated the number of employees as a tenant has not been secured as of this writing. For patrons dining in the applicant has proposed to have an outdoor dining area. The restaurant's clientele will be patrons from the surrounding neighborhoods, families and young adults.
- **Duration:** Applicant requests that the use permit be allowed indefinitely with no expiration date.
- **Required yards and open space:** The development appears to meet the minimum yards. The outdoor dining does not encroach into the front yard setback. There are no open space requirements for non-residential uses.
- **Tree Preservation and Replacement:** No trees will be impacted or removed from the property.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and**

emergency access: Based on the site plan submitted by the applicant and an on-site review conducted by staff there appears to be adequate access to the property via the driveways located off Roswell Road and Powers Ferry Road. Furthermore, emergency vehicles will enter the property through the same curb cuts and driveways along Roswell Road and Powers Ferry Road. Therefore, Staff is of the opinion that the existing ingress and egress is sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.

- b) **Off-street parking and loading:** There is adequate room on site to accommodate off street parking. As aforementioned, the entire development has 474 onsite spaces. Employees and visitors may utilize the parking located onsite. Furthermore, service personnel may utilize the existing parking as well as the service drive located adjacent to and at the rear of the existing development. Therefore, Staff is of the opinion that the applicant has met the off-street parking and loading requirements.
- c) **Refuse and service areas:** The use of City of Atlanta Services for refuse pick-up appears to be adequate for the proposed restaurant.
- d) **Buffering and screening:** Staff is of the opinion that there is significant existing screening of the proposed restaurant due to the existence of several mature trees and the location of the proposed outdoor dining area.
- e) **Hours and manner of operation:** The hours and manner of operation are reasonable for a restaurant.
- f) **Duration:** The applicant requests that the use permit be approved for an indefinite period of time. Staff has no objection to this request.
- g) **Required yards and open space:** The property appears to comply with the required yards. However, the applicant is constructing a new restaurant on the subject property. Therefore, any proposed encroachments into the transitional yard setback will require a variance from the zoning regulations. There are no open space requirements for non-residential uses.
- h) **Compatibility with policies related to tree preservation:** In its existing state, staff is of the opinion that the subject property is in compliance with the City's Tree Ordinance.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL on the following conditions:

1. No outdoor public address sound system.

cc: James Shelby, Commissioner, DPCD



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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-16 for 1611 Mill Acres Drive, S.W.

DATE: November 14, 2013

The applicant seeks a Special Use Permit (Section 16-06.005(1)(g)) for a Personal Care Home to operate in an existing single-family residence.

FINDINGS OF FACT:

- **Property location:** The subject property fronts approximately 99 feet on the south side of Mill Acres Drive and approximately 140 feet west of the intersection of Mill Acres Drive and Willis Mill Road. The property is located in the Cascade Heights Neighborhood of NPU I and Council District 11.
- **Property size and physical features:** The subject property is a 17,791 square foot site that is developed with a single-family residence. A concrete driveway provides vehicular access to an attached two car garage. A wooden fence approximately 6 feet in height surrounds the rear yard. The lot topography slightly declines from the east to the west and there are several mature trees located onsite.
- **Current/past use of property:** The subject property was last utilized as a single family residence. Staff is unaware of any previous uses.
- **Surrounding zoning/land uses:** The subject property is immediately adjacent to properties that are zoned R-3 (Single Family Residential).
- **Transportation system:** Cascade Road is an arterial street. MARTA bus routes serve the area.

PROPOSAL:

The applicant is requesting a Special Use Permit for a Group Home (Personal Care Home) to operate in an existing single family residence. The applicant's intent is to provide 24 hour 7 days a week services to 8 youth males between the ages of 12-15. The facility will employ 8 employees that will alternate between 2 shifts: 6:00am – 6:00pm and 6:00pm – 6:00am. Three meals and snacks will be prepared and provided daily.

- a) **Ingress and egress:** Ingress and egress to the residence is provided by the existing driveway located off of Mill Acres Drive. Employees, visitors, emergency and service personnel will enter and leave the facility utilizing the existing driveway.
- b) **Parking and loading:** The applicant has indicated that approximately 2 – 3 vehicles will travel to and from the facility daily. There will be a maximum of two cars parked onsite. Emergency and service personnel will utilize the driveway to gain access to the facility. The residents of the facility will be provided transportation by the operator of the facility or present staff. The applicant does not anticipate any traffic or congestion.
- c) **Refuse and service areas:** The applicant has proposed to utilize the City of Atlanta sanitation service for disposal of refuse. Refuse will be picked up on the designated days from the front of the subject property.
- d) **Buffering and screening:** A natural tree buffer currently exists along the western and southern boundaries of the subject property. Currently a 6 foot fence surrounds the rear yard. The applicant has not indicated any additional plans for buffering and screening due to the facility not generating any unusual noise or lights.
- e) **Hours and manner of operation:** The proposed facility will operate 24-hours, seven days a week. The facility will operate with a total of eight staff persons on a rotating shift with two employee's onsite per shift. The applicant has proposed to provide service to a maximum of eight (8) youth males between the ages of 12-15. The children will be placed in the residence by the Department of Children and Family Services (DFCS) due to the following: lack of family in the immediate area, abandoned by parent(s) or are waiting to be placed into foster care. Each child will be enrolled in school and after-school programs at the Boys & Girls Club. The staff will provide oversight on the following: the completion of school assignments, access to supportive services (i.e. counseling, tutoring, mentoring...etc.), daily hygiene and the dispensing of medication (if applicable). The facility will have four (4) bedrooms designated for the residents of the facility. Breakfast, lunch, dinner and snacks will be prepared onsite and served daily. The applicant has indicated that no other programs will be offered at the facility.
- f) **Duration:** A duration of three (3) years is requested by the applicant.
- g) **Required yards and open space:** The applicant has indicated that the required yards and open spaces will be met.
- h) **Tree Preservation and Replacement:** In the event that trees are removed on the subject property, the applicant has indicated that the City Arborist will be consulted.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** The primary entrance to the facility is the existing driveway located off of Mill Acres Drive. The applicant has indicated that there will be two staff persons onsite during each shift and the residents will not have access to vehicles. Therefore, staff is of the opinion that due to the use and the fact that minimal vehicles will travel to and from the facility; the existing ingress and egress appears to be sufficient to ensure automotive and pedestrian safety and will not create traffic congestion.
- b) **Off-street parking and loading:** Based on the site plan submitted by the applicant and Staff observation, there appears to be adequate room to accommodate at least eight (8) vehicles. Additionally, the clientele being serviced are children that are not licensed to drive and have little to no family. Therefore, the number of visitors may be limited to DFCS personnel and in house counselor. Employees, deliveries, emergency and service personnel will utilize the existing driveway for parking in order to gain access the facility. Therefore, Staff is of the opinion that the proposed off-street parking and loading areas are sufficient.
- c) **Refuse and service areas:** Use of the City's Solid Waste Services or a private company should be sufficient.
- d) **Buffering and screening:** Currently portions of the property are buffered by mature trees and a 6 foot fence. The facility will provide a residence to youth males who will be engaged in extracurricular activities and will have little a no activity outside. Therefore, Staff is of the opinion that no additional buffering or screening other than what exists appears to be necessary.
- e) **Hours and manner of operation:** The proposed method of operation for the facility appears to be adequate and in accordance with the definition of personal care home. The applicant will provide daily watchful oversight by monitoring school attendance, medication, hygiene, nutrition and general care of all residents. Additionally, the applicant will provide daily meals in accordance to the regulations set forth by the Georgia Department of Human Resources Office of Regulatory Services. Based on the dimensions submitted by the applicant, the rooms designated for the residents will accompany eight (8) residents. The applicant has proposed to hire, train and supervise qualified staff members. Furthermore, the applicant has indicated that the residents of the facility will be engaged in the community in an effort to provide a family style environment. Therefore, Staff is of the opinion that the hours and manner of operation are reasonable for the proposed personal care home.
- f) **Duration:** Staff is supportive of a limited duration which will allow for the evaluation of the operation of the facility at a later date.
- g) **Compatibility with policies related to tree preservation:** The applicant states all policies relating to tree preservation will be met.
- h) **Required yards and open space:** Required yards and open space shall be met.

i) **Other considerations:** Sec. 16-29.001 (16) (a) specifies the following for personal care homes:

- ***Distance requirements:*** No such facility shall be located within 2,000 feet of any personal care home, assisted living facility, community service facility as defined in O.C.G.A. § 37-4-2(6), nursing home, rehabilitation center, or supportive housing facility. There are no known similar facilities within 2,000 feet of the subject property.
- ***Transportation:*** Each location shall be within 1,500 feet of a public transportation station or transit stop or the operator of the personal care home shall be required to provide transportation service for its occupants as a condition of the special use permit. The property is located within 500 feet of a MARTA bus stop. However, residents of the facility will be provided transportation and will not utilize public transportation.
- ***Personal living space:*** All personal care homes must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater. The applicant's site plan reflects 80 square feet of personal space for each resident. The applicant has indicated to staff that the operator will obtain a state license for the facility and will comply with all applicable regulations.
- ***Signage:*** No signs regulated by Chapter 16-28A shall be permitted other than those permitted by the regulations of the zoning district within which such personal care home is located. The applicant shall comply with the signage regulations.
- ***Increase in capacity:*** The holder of any special permit issued in accordance with Section 16-25.001, et seq. of this part, whenever such permit was granted, shall make no alterations or additions to the primary structure for the purpose of increasing the number of persons to whom personal care services are provided. In accordance with the applicant's stated intent, staff has conditioned this use permit to no more than eight (8) residents.
- ***Parking:*** Where such use is allowed in any zoning district, and no parking requirements for the use are specified, the parking requirements to be applied will be those governing residential uses but one additional space shall be required for each four beds. The applicant is proposing to use the existing driveway and garage for vehicles. The proposed parking should be adequate for the facility.

STAFF RECOMMENDATION: APPROVAL with conditions:

1. Survey dated July 31, 2013 and marked received by the Office of Planning on August 5, 2013.
2. The Special Use Permit shall only be valid as long as Theresa Haley is the owner and operator.
3. The Special Use Permit shall be valid for duration of three (3) years from the date of Council adoption.
4. The facility shall be restricted to no more than eight (8) residents excluding the live-in care giver.

cc: James Shelby, Commissioner, DPCD



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MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: U-13-18/U-05-31 for 2700 Butner Road, S.W.

DATE: November 14, 2013 (*Deferred October 10, 2013*)

The applicant seeks to amend a **Special Use Permit** for a **Day Care Center** pursuant to Section 16-05.005 (1) (b) of the Zoning Ordinance to allow for the addition of a pre-engineered building on the property.

FINDINGS OF FACT

- **property location:** The subject property fronts approximately 282 feet on the southeasterly side of Butner Road at the southeast intersection of Butner Road and Tell Road. It is in the Butner/Tell neighborhood of NPU-P, Council District 11.
- **property size and physical features:** The subject property of 16,117 square feet is developed with a one-story stucco building that has been used as a day care center since 2005. The property is triangular in shape and the existing structure is positioned on the lot in a manner that places the northwest corner 1.7 feet away from the property line along Tell Road. The topography is relatively level but for the southeastern area of the parcel that slopes up from Tell Road. A fenced in play area is found in the northeast area of the site. A 14'x45' trailer has been placed adjacent to the play area on the south side of the property adjacent to Tell Road. Few trees are found on the property. There is a paved parking area on the north side adjacent to Butner Road and at the intersection of Tell and Butner Roads however the striping is poor and it is difficult to determine the number of parking spaces or the loading and unloading area on the site.
- **current/past use of the property:** The property has been used for day care purposes under a special use permit since 2005. The special use permit was transferred to the applicant in 2008.

- **transportation system:** Butner, Tell and County Line Roads are classified as local streets. The area is served by MARTA bus route #183 along County Line Road. No Sidewalks are found along any street frontages.

PROPOSAL:

The applicant requests an amendment to the site plan adopted in 2005 to allow a 14'x45' (630 SF) pre-engineered building to remain on the property. The pre-engineered building has been added to the property to separate the school age children from children 4 years of age and under. The operation of the day care will not change. The 2,223SF building and pre-engineered building will require a total of 5 off-street parking spaces along with an area for the safe loading and unloading of children. The facility also offers pick-up and drop-off services for clients that reduces the number vehicular trips to the site. Approximately 90% of the clients use this service. The applicant states the employees use public transportation.

- **Ingress and egress:** The applicant has provided a revised site plan for review. The revised site plan provides for safe loading and unloading of children that may be brought to the facility by parents.
- **Parking and loading:** The revised site plan provides for safe loading and unloading of children and 4 off street parking spaces.
- **Refuse and service areas:** No information was provided about refuse and service areas.
- **Buffering and screening:** No modifications to the property are anticipated with regards to buffering and screening.
- **Hours and manner of operation:** The day care program will operate Monday-Saturday from 6:00 a.m. until 12:00 midnight. The application is not intended to change either the hours or manner of operation.
- **Duration:** The applicant requests an indefinite duration.
- **Required yards and open space:** The applicant indicates all yards and open space requirements are met.
- **Tree Preservation and replacement:** No tree removal is proposed.

CONCLUSIONS:

- a) **Ingress and egress and proposed structure or uses thereon, with particular references to automotive and pedestrian safety and convenience, traffic flow and control, and emergency access:** Based on the fact that the subject property has operated as a day care facility for the past eight (8) years and to Staff's knowledge without incident, the proposed ingress and egress to the property should be adequate.
- b) **Off-street parking and loading:** The parking requirement for the day care facility is one off-street parking space per 600 square feet of floor area and would require 5 parking spaces. The revised site plan only provides for 4 off street parking spaces therefore a special exception to request a reduction in the required off street parking will be required. The revised site plan provides an area for safe loading and unloading of children
- c) **Refuse and service areas:** The original staff report indicated the day care proposed to use City of Atlanta refuse services. No additional information has been provided to indicate this will change.
- d) **Buffering and screening:** The existing buffering and screening appear to be adequate.
- e) **Hours and manner of operation:** The hours and manner of operation as stated in the application are an expansion from what was noted in the original staff report. In 2005 it was noted the hours of operation to be Monday-Friday from 7am until 6pm. Furthermore the definition of a *Child Care Nursery* in the City of Atlanta Zoning Ordinance (16-29.001(7)) refers to "seven (7) or more children under the age of 17 separated from their parents or guardians during part of the day between 6:00 a.m. and 7:00 p.m.
- f) **Duration:** An indefinite duration is reasonable with conditions.
- g) **Compatibility with policies related to tree preservation:** No trees are proposed to be removed from the site.
- h) **Required yards and open space:** Required yards and open space appear to be met.

STAFF RECOMMENDATION: APPROVAL of a substitute ordinance conditioned upon the following:

1. A site plan similar to one entitled "Proposed Site Plan for Butner Learning Center" by Lawrence A. Martin, P.E. dated 8/6/13 last revised 11/1/13 and stamped received by the Office of Planning November 4, 2013.
2. The 3 off street parking spaces located in the west area of the site shall be signed to direct ingress from Butner Road and egress to Tell Road only.
3. The play area shall be fenced.

4. The special use permit for a day care facility shall be valid only as long as Shiwila M. Willis is the operator of the facility. The special use permit is not transferable.
5. Hours of operation shall not exceed 6:00 a.m. to 7:00 p.m. daily.
6. The pre-engineered building shall be placed on a fixed foundation.
7. No further expansion of the facility shall be permitted.

cc: James Shelby, Commissioner, DPCD



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: **Z-13-17 for 25, 27, 33 and 39 Daniel Street/ Gartrell Street (496 and 492) 14-0045-0003-016-1 and 14-0045-0003-017-9, and 40 and 46 Boulevard, S.E.**

DATE: November 14, 2013

An Ordinance to rezone from the C-2-C (Commercial Service-Conditional) District and R-5 (Two-Family Residential) District to the C-2-C (Commercial Service-Conditional) District for properties located at **25, 27, 33 and 39 Daniel Street/Gartrell Street (496 and 492) 14-0045-0003-016-1 and 14-0045-0003-017-9, and 40 and 46 Boulevard, S.E.**

Staff has been in discussions with the applicant as well as with the community. The applicant has requested a 30 day deferral and staff is supportive of this request.

STAFF RECOMMENDATION: 30-DAY DEFERRAL-DECEMBER 2013

cc: James Shelby, Commissioner, DPCD



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KASIM REED
MAYOR

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

MEMORANDUM

TO: Zoning Review Board

FROM: Charletta Wilson Jacks, Zoning Administrator 

SUBJECT: Z-12-002 for 903 Huff Road, NW

DATE: November 1, 2013

The applicant requests to rezone property from the **I-2 (Heavy Industrial) + BeltLine Overlay District** to the **MR-4A-C (Multifamily Residential) + BeltLine Overlay District**.

FINDINGS OF FACT:

- property location: The subject property has approximately 890 feet of frontage on the north side of Huff Road near the Atlanta Water Works. The property is located approximately 1,150 feet west of the intersection of Howell Mill Road and Huff Road. The property is in NPU-D, Council District 9.
- property size and physical features: The subject property comprises approximately 5.4 acres and is irregularly shaped. The parcel is mostly paved with former drive lanes, surface parking lots and building foundations; no structures remain. The site is made up of three large level pads and sites that step up and down across the parcel. The overall grade change across the site is approximately 15 feet.
- CDP land use map designation: Industrial (there is a pending CDP request to change the future land use to High Density Residential)
- current/past use of property: The property was used by Georgia Steel as a steel fabrication facility for many years until 2007/2008 when it ceased operations. All of the buildings were demolished in 2010/2011. Its earlier history is uncertain, but according to a 1949 aerial photograph, the site was occupied by approximately 25 single family residences.

- surrounding zoning/land uses: Since the late 1990s, the Huff Road corridor has been gradually transitioning from industrial zoning districts to MRC and MR zoning districts to allow for mixed use and residential redevelopment. The subject property is immediately surrounded on all sides by property with an I-2 zoning, but none of the parcels are currently in an industrial use. To the north and east of the site lies the Atlanta Water Works. To the south lie several home décor wholesalers and a few small vacant warehouses. To the west lies the Atlanta BeltLine/CSX railroad corridor.
- transportation system: The parcel is served by Huff Road, a collector street. MARTA bus service runs along the Huff Road corridor. The property is also nearby the Atlanta BeltLine corridor, which includes planned multi-use trail and streetcar service.

PROPOSAL:

The applicant has proposed to rezone property located at 903 Huff Road from I-2 (Heavy Industrial)/ BeltLine Overlay District to the MR-4A-C (Multifamily Residential)/BeltLine Overlay District. The applicant has included a conceptual site plan for a multifamily residential development comprising 282 housing units and 427 parking spaces. The site plan includes widening Huff Road to a three lane section along the entire length of the subject property. The site plan also includes the construction of a fire lane to serve as an Atlanta BeltLine spur trail.

(1) **Compatibility with Comprehensive Development Plan (CDP); timing of development:**

A CDP amendment to change the parcel from Industrial to High Density Residential is a companion to this zoning request. This proposal is consistent with CDP policy and the Atlanta BeltLine Master Plan (Subarea 8) adopted by City Council in 2012.

(2) **Availability of and effect of public facilities and services; referral to other agencies:**

Although the current development on the subject property is vacant, the makeup of the overall surrounding area indicates that there are services available to the property as per the previous use of the property and several recent developments. There has been no indication from review agencies and departments that there would not be adequate public facilities and services at the subject location. Huff Road is becoming increasingly congested and the City's comprehensive transportation plan and the Atlanta BeltLine Master Plan (Subarea 8) both plan for widening Huff Road to a three lane cross section. The site plan and conditions below include the incorporation of the Huff Road widening along the subject property's 890 feet of frontage.

- (3) **Availability of other land suitable for proposed use; environmental effect on balance of land uses:** Staff is of the opinion that a request to rezone the subject property from I-2 to MR to facilitate a multifamily residential development would be suitable for this area. The Atlanta BeltLine Corridor is nearby the subject property, which would benefit greatly from the introduction of additional residential units, especially occupying a vacant site so near the corridor. The zoning proposal would not have any negative environmental effects on the balance of land uses in the area because it would develop a tract of land that is vacant and has been an eyesore to the surrounding area. It is compatible with the Atlanta BeltLine Master Plan (Subarea 8).
- (4) **Effect on character of the neighborhood:** The proposed quality of life zoning district will introduce unified setbacks, new street, streetscape, and landscaping that would benefit the overall character of the neighborhood. The development would improve bicycle and pedestrian access to the Atlanta BeltLine corridor via a spur trail along the western edge of the property. The proposed development would also improve pedestrian access to the Westside Market area through sidewalk improvements along Huff Road.
- (5) **Suitability of proposed land use:** Staff is of the opinion that the proposed request to rezone the property would be compatible with surrounding zoning and land uses.
- (6) **Effect on adjacent property:** The redevelopment of the currently vacant property will have a positive effect on adjacent properties. The rezoning of the existing tract to a MR designation would have a positive effect on adjacent properties due to the need for an increase in residential uses near the Atlanta BeltLine.
- (7) **Economic use of current zoning:** Staff does not feel that the existing vacant property has a significant economic use far above and beyond the value of a development proposal under the MR district. The area would be much better served by the redevelopment of the existing site with a multi-family development compared with some of the development opportunities permitted under the I-2 zoning district.
- (8) **Tree Preservation:** Upon submittal of permits to the Office of Buildings, this proposal will be subjected to the tree ordinance.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL upon the following::

1. Huff Road:

- a. As illustrated on the Zoning Site Plan stamped received by the Office of Planning on October 30, 2013, Huff Road shall be widened to include a third lane with one travel lane in each direction and a center left turn lane along an alignment substantially similar to that shown on the Site Plan. The additional travel lane shall be tapered on the eastern and western ends to tie into the existing roadway. Prior to the issuance of a Certificate of Occupancy, all roadway improvements shall be (1) completed or (2) initiated through a fully funded agreement with the City of Atlanta or their designee.

2. Fire lane/spur trail:

- a. As illustrated on the Zoning Site Plan stamped received by the Office of Planning on October 30, 2013, a fire lane shall be constructed along the western boundary of the property between Huff Road and the northern property line. Said fire lane shall be constructed to serve as an Atlanta BeltLine spur trail in a manner and alignment similar to that shown on the Site Plan. Once the fire lane/spur trail is connected to a publicly accessible trail to the north or northeast of the site, said fire lane/spur trail shall be fully publicly accessible.

3. Building façade materials, treatments, and windows:

- a. All exterior facades of the buildings shall be brick, stone, cast stone, metal, poured-in-place concrete, hard-coat stucco, or cementitious siding.
- b. The following materials shall be prohibited on all building facades: exposed pressure-treated wood; vinyl siding; vinyl railing; and exterior insulation finished systems (EIFS).
- c. On all exterior facades, cementations siding shall not exceed 35 percent of the façade.
- d. A minimum of 50 percent of the residential window units in each building shall be operable.
- e. All windows shall include window frames that are recessed a minimum of two inches, except at recessed balcony conditions.
- f. Paired windows that are grouped together shall have center mullions that are two inches wider than the side of the visible window frame not including trim.
- g. Flat, "snap-in" muntins, and muntins that are sandwiched between layers of glass are prohibited.
- h. Exterior chimneys shall extend to the ground.
- i. Exterior columns shall have a minimum width of five and one-half inches.
- j. Foundations, walls and site walls visible from a street or the Atlanta BeltLine Corridor/CSX railroad corridor shall be faced in brick, terracotta, stone, poured-in-place concrete or hard coat stucco.

4. Porches, balcony and site work:

- a. Sidewalk edges: A fence, retaining wall, curb or hedge with a minimum height of six inches shall be provided at the edge of the sidewalk adjacent to the supplemental zone located in front of a sidewalk-level residential unit, except at access points to steps, drives or pedestrian walkways.
- b. No exterior stairs seen from the street shall be made of wood, and risers and ends shall be enclosed.
- c. Porches shall be a minimum of four feet in depth and six feet in width.
- d. Balconies shall be a minimum of four feet in depth. Juliette balconies are acceptable only in locations where site constraints prohibit true balcony applications and will be minimized to the greatest extent possible.
- e. Fences that are located adjacent to a street shall be of painted or stained wood, stone, composite wood materials, masonry, or metal.
- f. Asphalt paving shall be prohibited for walkways, sidewalks, patios, plazas and supplemental zones.

5. Restricted uses:

- a. Buildings fronting on the Atlanta BeltLine/CSX railroad corridor or fronting on portions of streets adjacent to the Atlanta BeltLine/CSX railroad corridor shall have a residential or active nonresidential uses at the fire lane/spur trail level, but not parking or storage areas.
- b. Dumpsters, loading docks, surface parking lots, HVAC, mechanical, and electrical equipment shall not be visible from any adjacent public streets or the Atlanta BeltLine Corridor/CSX railroad corridor.

6. Parking decks:

- a. All parking decks that face or are located adjacent to a public street or the Atlanta BeltLine Corridor/CSX railroad corridor shall be screened by a liner building for the full height of the deck.
- b. Not more than 100 linear feet of any parking deck shall be exposed to the Atlanta Water Works property. For all exposed portions of the deck, the Atlanta Water Works site shall be considered a public park per parking deck standards in the Atlanta BeltLine Overlay Zoning District and Sec. 16-28.028.
- c. The height of any parking deck shall not exceed the height of the immediately adjacent or adjoining residential or mixed-use building or structure.

cc: James Shelby, Commissioner, DPCD